



CITY OF MORGAN HILL  
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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**PLANNING COMMISSIONERS**

John Moniz, Chair  
Joseph Mueller, Commissioner  
Wayne Tanda, Commissioner  
Susan Koepp-Baker, Commissioner

Robert Benich, Vice Chair  
Jerry Dommer, Commissioner  
John McKay, Commissioner

**PLANNING COMMISSION MEETING**

**NOVEMBER 8, 2011**

**CITY COUNCIL CHAMBERS  
CIVIC CENTER  
17555 PEAK AVENUE  
MORGAN HILL, CA**

**REGULAR MEETING - 7:00 P.M.**

**\*\*\* A G E N D A \*\*\***

**NOTICE TO THE PUBLIC**

*The following policies shall govern the conduct of the Planning Commission meetings:*

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
  - *Those supporting the application*
  - *Those opposing the application*
  - *Those with general concerns or comments*
  - *Presentations are limited to 5 minutes*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH  
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

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### **OPEN PUBLIC COMMENT PERIOD (5 MINUTES)**

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

### **ORDERS OF THE DAY**

**MINUTES:** October 11, 2011

### **CONTINUED PUBLIC HEARINGS:**

- 1)      **30 Minutes**      **URBAN SERVICE AREA ADJUSTMENTS AND GENERAL PLAN AND ZONING AMENDMENT APPLICATIONS FOR THE MONTEREY-SOUTH OF WATSONVILLE PROJECT:** The “Monterey-South of Watsonville Project” is a compilation of three separate applications encompassing 17 parcels totaling 67.39 acres in size. The three application areas are geographically located adjacent to one another on Monterey Road, south of Watsonville Road. Due to their proximity, the environmental assessment and staff report evaluate the individual applications as one project. Provided below is a description of the individual applicant requests.

**Recommendation:** Re-open public hearing/Adopt resolutions recommending City Council approval of environmental documents, Urban Service Area Adjustment, General Plan Amendments and Zoning Amendments

**A. USA-06-01/GPA-07-02/ZA-08-09: Watsonville – Royal Oaks Enterprises:**

A request to amend the General Plan Land Use Designation, prezone, and add six parcels into the Morgan Hill Urban Service Area Boundary. The project area totals 17.34 acres in size. Four of the six parcels propose a General Plan Amendment (GPA) from *Single Family Medium* to *Non-Retail Commercial*, with pre zoning to *Light Commercial-Residential* from County Agriculture (A-20Ac). On one of the parcels, a GPA from *Single Family Medium* to *Multi-Family Medium* and pre zoning to *Medium-Density Residential (R3)/Planned Development* from Agriculture (A-20Ac) is proposed. The remaining parcel is Santa Clara Valley Water District property and will be pre zoned to *Open Space* from Agriculture (A-20Ac) to allow for consistency with the existing General Plan *Open Space* designation. The project is located south of Watsonville Road and southeast of Monterey Road. A mitigated Negative Declaration is proposed (APNs 779-04-001, -003, -004, -052, -056, and -067).

**B. USA-08-08/GPA-08-08/ZA-08-08: Monterey – Morgan Hill Bible Church:**

A request to amend the General Plan Land Use Designation, prezone, and add two parcels into the Morgan Hill Urban Service Area Boundary. The project area totals 9.48 acres in size. A General Plan Amendment from *Single Family Low* to *Public Facility* and pre zoning to

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*Public Facility* from County Agriculture (A-20Ac) is proposed for both parcels. The project is located southeast of Monterey Road, between John Wilson Way and West Middle Avenue. A mitigated Negative Declaration is proposed (APNs 779-04-016 and -061).

- C. USA-08-09/GPA-08-09/ZA-08-10: Monterey – City of Morgan Hill:** A request to amend the General Plan Land Use Designation, prezone/rezone, and add nine parcels into the Morgan Hill Urban Service Area (USA) Boundary. The project area totals 40.57 acres in size. Seven of the nine parcels are currently located within the City limit but outside the USA. On six of the parcels, a General Plan Amendment (GPA) from *Single Family Medium* to *Non-Retail Commercial* and rezoning to *Light Commercial-Residential* from *RE (100,000)* is proposed. On two of the parcels, a GPA from *Single Family Low* to *Non-Retail Commercial* and prezone to *Light Commercial-Residential* from County Agriculture (A-20Ac) is proposed. The Oakwood Country School is located on the remaining parcel; the General Plan designation of *Single Family Medium* will remain the same on the school site, but a zoning change from *RE(100,000)* to *R1(9,000)* is proposed. No specific development is proposed by the project at this time. The project is located southeast of the intersection of Monterey Road and Watsonville Road. A mitigated Negative Declaration is proposed (APNs 779-04-005, -010, -015, -030, -032, -033, -072, -073, and -074).

### **PUBLIC HEARINGS:**

- 2)      20 Minutes      **DEVELOPMENT AGREEMENT AMENDMENT(S):**  
Ten residential projects with existing development agreements are requesting amendment to their respective agreements to insert language allowing for participation in the City's Below Market Rate Reduction Program. The Below Market Rate Reduction Program will allow for potential elimination of the Below Market Rate units or to pay an in-lieu fee.

- A.      **DAA-04-05E: BARRETT-ODISHOO**
- B.      **DAA-05-01H: MISSION VIEW-MISSION RANCH**
- C.      **DAA-05-02G: COCHRANE-LUPINE**
- D.      **DAA-05-07G: WRIGHT-MANANA**
- E.      **DAA-05-12A: SAN PEDRO-AHMADI**
- F.      **DAA-06-02F: SAN PEDRO-ALCINI**
- G.      **DAA-06-04D: DIANA-KB HOME**
- H.      **DAA-09-03A:MURPHY-KB HOME**
- I.      **DAA-09-04G:E.DUNNE-UCP**
- J.      **DAA-09-06: E.CENTRAL-CARRIAGEWOOD**

**Recommendation:** Open/close public hearing and adopt resolution recommending Council approval.

- 3)      15 Minutes      **DEVELOPMENT AGREEMENT, DA-11-06: BARRETT-MH DOS:** A request for approval of a development agreement for a 34-unit portion of the 52-unit single-family residential project located on the northwest corner of the intersection of Barrett Ave. and San Ramon Dr. in the R-1 7,000 RPD zoning district (APN 817-76-019, 021 & 022).

**Recommendation:** Adopt resolution recommending Council approval.

- 4)      30 Minutes      **DEVELOPMENT AGREEMENT AMENDMENTS:**  
Three residential projects with existing development agreements are requesting amendment to their respective agreements to extend the commencement of construction deadline by one year. Two of the three projects are also requesting to insert language allowing for participation in the City's Below Market Rate (BMR) Reduction Program.

A.      **DEVELOPMENT AGREEMENT AMENDMENT, DAA-09-02: CLAYTON-O'BRIEN:** A request for a development agreement amendment to extend the commencement of construction deadlines for one year. The project consists of 7 units on an approximately 3.6 acre parcel on Clayton Ave, north of Peebles Ave (APN 726-48-012).

B.      **DAA-05-13F: JARVIS-MADRONE PLAZA:** A request to insert language for participation in the City's BMR Reduction Program and extend the commencement of construction deadline by one year for 31 building allocations (18, FY 2006-07 and 13, FY 2007-08). Of the 134 units in the project, the applicant has been awarded 102 building allotments. The project is located at the southeast corner of Cochrane Road and Monterey Road in a R3/PUD, Planned Unit Development Zoning District (APNs 726-49-001 thru -079).

C.      **DAA-09-01A: MCLAUGHLIN-MALECH:** A request to insert language for participation in the City's BMR Reduction Program and extends the commencement of construction deadline by one year for the four-unit project. The project is located on the west side of McLaughlin Avenue, approximately 275 feet north of E. Central Avenue in the CL-R, Light Commercial-Residential Zoning District (APN 726-24-016).

**Recommendation:** Open/close public hearing/Adopt Resolution recommending Council denial of the development agreement amendment for the Clayton-O'Brien Project/Adopt Resolutions recommending Council approval of the development agreement amendments for both the Jarvis-Madrone Plaza and McLaughlin-Malech Projects.

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### OTHER BUSINESS:

- 5)      10 Minutes    **MULTI-FAMILY VACANCY RATE REPORT:** Biannual review of apartment vacancy rate as required in accordance with Chapter 17.36 of the Morgan Hill Municipal Code.

**Recommendation:**    Approve Multi-Family Vacancy Rate Report by minute action, with recommendation to forward to City Council for review.

**THE NOVEMBER 22, 2011 PLANNING COMMISSION MEETING HAS BEEN CANCELED-** The next regular scheduled Planning Commission meeting will be held on December 13, 2011.

### ANNOUNCEMENTS

### CITY COUNCIL REPORTS

### ADJOURNMENT

### SPEAKER CARD

*If you wish to address the Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Deputy City Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Commission, but it is very helpful. As you are called, please walk to the podium to be recognized by the Chairperson. Please speak directly into the microphone while making your comments. Please limit your remarks to three (3) minutes.*

### *NOTICE*

### **AMERICANS WITH DISABILITY ACT (ADA)**

*The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.*

*If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.*

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**NOTICE**

*NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.*

**NOTICE**

*The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.*

**NOTICE**

*All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the Planning Commission less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the Planning Commission. (Pursuant to Government Code 54957.5)*